

REMARKS

STATUS OF CLAIMS

Claims 1-66 were previously pending.

Claims 1, 5, 21-35, 36, 40, 56, and 62 have been amended and no claims have been added or cancelled. Therefore, claims 1-66 are pending and are submitted for reconsideration.

REJECTION UNDER 35 U.S.C. §101

In the office action claims 21-35 are rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter. While applicants disagree with the legal basis for this rejection (i.e., signal or carrier waves not being considered statutory even when recited as computer readable media), applicants have amended these claims to comply with the PTO's current internal guidelines in order to expedite prosecution of this application. Accordingly, applicants submit that these claims now meet the requirements of 35 U.S.C. §101 and this rejection should be withdrawn.

PRIOR ART REJECTIONS

In the office action, claims 1-3 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6,092,194 (hereafter "Touboul"). Claim 4 was rejected under 35 U.S.C. 103(a) as being unpatentable Touboul. Claims 9-24, 28-39, 44-61, and 63-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Touboul in view of U.S. Patent Application Publication No. 2003/0098883 (hereafter "Pennell"). Claims 5-8, 25-27, 40-43, and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Touboul in view of Pennell and U.S. Patent No. 6,341,373 (hereafter "Shaw"). Applicants respectfully traverse these rejections, with respect to the pending claims, for at least the following reasons.

Independent claim 1 recites, *inter alia*, a method of displaying a web page at a client device which includes (1) assessing, as part of displaying the web page, which of

plural trust levels is to be accorded to the object, and (2) wherein assessing which of the plural trust levels is to be accorded to the object evaluates criteria, as part of displaying the web page, including whether the object is from a trusted source, whether the object is to upgrade an existing object, and whether a download flag is set. These recited features are not disclosed by the applied prior art.

Specifically, the office action acknowledges that neither Touboul or Pennell disclose assessing which of the plural trust levels is to be accorded to the object evaluates criteria, as part of displaying the web page, including the combination of whether the object is from a trusted source, **whether the object is to upgrade an existing object,** and whether a download flag is set. See paragraph 31 of the office action in the context of the originally filed claim 5.

In order to cure this deficiency in Touboul and Pennell, the Office Action relies on Shaw. However, Shaw does not relate to assessing trust levels to be accorded to an object being downloaded as part of displaying a web page. Rather, Shaw relates to downloading and recovery of application data in a client device as a part of process flow of booting a client device. See Figure 2 and the description of the method of operation of Shaw in col. 3, line 32 to col. 4, line 8. As noted in the office action, Shaw teaches that the identification of a correct updater requires comparison of a digital signature or digest contained within the updater package with known signature data that is saved in the downloader code 24 in permanent memory of the client device. Clearly, this system of Shaw is not designed for displaying of random web pages at a client device (and assessing objects contained therein) since system of Shaw requires apriori storing of signature data in permanent memory and matching that stored signature with a specific digital signature or digest contained in an updater module that then downloads an application.

Therefore, combining the system of Shaw with that of either Touboul or Pennell would require an impermissible alteration of the principle of operation of Shaw. Accordingly, applicants respectfully submits that the combination of Shaw with either Touboul or Pennell is improper. Furthermore, even if these references were combinable

(which the applicants believe that they are not), they do not disclose all the features recited in claim 1. Specifically, even the combination fails to disclose that wherein assessing which of the plural trust levels is to be accorded to the object evaluates criteria, as part of displaying the web page, including whether the object is from a trusted source, whether the object is to upgrade an existing object, and whether a download flag is set. Accordingly, the office action fails to make a *prima facie* case of obviousness with respect independent claim 1.

The independent claims 21, 36, and 56 recite a computer storage medium with instructions or an apparatus, respectively, that are also patentable for reasons that are very similar to that discussed above with respect to claim 1. Accordingly, these independent claims are also believed to be patentable over the applied prior art.

DEPENDENT CLAIMS

The dependent claims are deemed to be patentable at least based on their dependence from allowable independent claims. In addition, they recite patentable subject matter when considered as a whole.


CONCLUSION

Accordingly, applicants submit that the application is now in condition for allowance and an indication of the same is respectfully requested. If the Examiner believes that the application is not in condition for allowance, the Examiner is respectfully requested to call the Applicants' representative at the telephone number listed below.

If this Amendment is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee that is not covered by an enclosed check please charge any deficiency to Deposit Account No. 50-0463.

Respectfully submitted,
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